

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

OKLAHOMA LAW ENFORCEMENT
RETIREMENT SYSTEM, Individually And On
Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

ADEPTUS HEALTH INC., THOMAS S.
HALL, TIMOTHY L. FIELDING, RICHARD
COVERT, DANIEL W. ROSENBERG,
GREGORY W. SCOTT, RONALD L.
TAYLOR, JEFFERY S. VENDER, STEVEN
V. NAPOLITANO, STEPHEN M. MENGERT,
STERLING PARTNERS, GOLDMAN,
SACHS & CO., AND MERRILL LYNCH,
PIERCE, FENNER & SMITH
INCORPORATED,

Defendants.

Case No. 6:16-cv-1243

Judge Robert W. Schroeder, III

[additional captions on following pages]

NOTICE OF RELATED FILING

LABORERS' LOCAL 235 BENEFIT FUNDS,
Individually And On Behalf Of All Others
Similarly Situated,

Plaintiff,

vs.

ADEPTUS HEALTH INC., THOMAS S.
HALL, TIMOTHY L. FIELDING, RICHARD
COVERT, DANIEL W. ROSENBERG,
GREGORY W. SCOTT, RONALD L.
TAYLOR, JEFFERY S. VENDER, STEVEN
V. NAPOLITANO, DANIEL J. HOSLER,
STEPHEN M. MENGERT, STERLING
PARTNERS, GOLDMAN, SACHS & CO.,
AND MERRILL LYNCH, PIERCE, FENNER
& SMITH INCORPORATED, EVERCORE
GROUP LLC, MORGAN STANLEY & CO.
LLC, PIPER JAFFRAY & CO., RBC
CAPITAL MARKETS LLC, DOUGHERTY &
COMPANY LLC, DEUTSCHE BANK
SECURITIES INC., AND BMO CAPITAL
MARKETS CORP.

Defendants.

Case No. 6:16-cv-1391

Judge Robert W. Schroeder, III

WINSTON KIM, Individually And On Behalf
Of All Others Similarly Situated,

Plaintiff,

vs.

ADEPTUS HEALTH INC., GREGORY W.
SCOTT, THOMAS S. HALL, FRANK R.
WILLIAMS JR., AND TIMOTHY L.
FIELDING,

Defendants.

Case No. 6:17-cv-150

Judge Robert W. Schroeder, III

SASCHA TROLL, Individually And On Behalf
Of All Others Similarly Situated,

Plaintiff,

vs.

ADEPTUS HEALTH INC., GREGORY W.
SCOTT, THOMAS S. HALL, FRANK R.
WILLIAMS JR. and TIMOTHY L.
FIELDING,

Defendants.

Case No. 6:17-cv-241

Judge Robert W. Schroeder, III

Presumptive Lead Plaintiff Alameda County Employees' Retirement Association ("ACERA") and Arkansas Teacher Retirement System ("Arkansas Teacher") respectfully submit this notice to apprise the Court of a recently filed action, *Troll v. Adeptus Health Inc., et al.*, No. 6:17-cv-241 (E.D. Tex.) ("*Troll*"). ACERA and Arkansas Teacher respectfully submit that the *Troll* action should be consolidated pursuant to Rule 42(a) of the Federal Rules of Civil Procedure ("Rule 42(a)") with the following related actions: *Oklahoma Law Enforcement Retirement System v. Adeptus Health Inc., et al.*, No. 6:16-cv-1243 (E.D. Tex.) ("*Oklahoma*"), *Laborers' Local 235 Benefit Funds v. Adeptus Health Inc., et al.*, No. 6:16-cv-1391 (E.D. Tex.) ("*Laborers*"), and *Kim v. Adeptus Health Inc., et al.*, No. 6:17-cv-150 (E.D. Tex.) ("*Kim*"). *Troll* is subject to ACERA and Arkansas Teacher's pending motion to consolidate *Kim* with *Oklahoma* and *Laborers* – and consolidation of the *Troll* action is appropriate for the reasons stated in that motion. *See Oklahoma*, No. 6:16-cv-1243, ECF No. 39 (E.D. Tex. Mar. 27, 2017) (the "Consolidation Motion"); *see also id.* at ECF No. 39-4 (proposed order seeking consolidation of "each case that relates to the same subject matter that is subsequently filed in this District . . ."). By way of brief summary, all four actions assert claims under the same provisions of federal securities laws, against overlapping defendants, across largely overlapping class periods, and arising from Adeptus Health Inc. ("Adeptus")'s predatory billing practices and publication of false and misleading financial statements.¹ Accordingly, the four related actions should be consolidated. *See generally* Consolidation Motion.

Further, like counsel for the plaintiff in *Kim*, plaintiff's counsel in *Troll* issued a press release stating that Adeptus investors "have until May 9, 2017 to ask the Court to appoint you as

¹ On April 19, 2017, Adeptus filed for bankruptcy. *See Oklahoma*, No. 6:16-cv-1243, ECF No. 47 (E.D. Tex. Apr. 20, 2017). Adeptus's bankruptcy filing does not stay claims against non-debtor defendants. On May 1, 2017, plaintiff Sascha Troll voluntarily dismissed Adeptus from the *Troll* action. *See Troll*, No. 17-cv-241, ECF No. 2.

Lead Plaintiff for the class.” *See* Exhibit A (April 27, 2017 press release). However, as detailed in the Consolidation Motion, the statutory deadline for seeking lead plaintiff appointment in the related actions has passed, and the timely motions appropriately before the Court have been fully briefed. Any motion seeking appointment as lead plaintiff in the related actions after December 27, 2016 is untimely under the strict deadline set by the Private Securities Litigation Reform Act of 1995. *See* Consolidation Motion at 10-13.

Accordingly, presumptive Lead Plaintiff ACERA and Arkansas Teacher respectfully request that the Court consolidate the above-captioned related actions pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, vacate the improperly noticed May 9, 2017 lead plaintiff deadline, and disregard any subsequently-filed motions seeking appointment as lead plaintiff that purport to rely on the improper notices issued by counsel in *Kim* and *Troll*.

DATED: May 2, 2017

Respectfully Submitted,

/s/ George L. McWilliams

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CERTIFICATE OF SERVICE

I hereby certify that on this day, May 2, 2017, I electronically filed the above Notice of Related Filing, using the CM/ECF system, which will automatically send email notification of such filing to all attorneys of record.

/s/ George L. McWilliams

George L. McWilliams